

upon which the critical element is supported, so that at least part of the first section is between the critical element and the pocket.

27. (Cancelled)

28. (Once Amended) The apparatus, as recited in claim 23, wherein the cover further comprises a vacuum tight seal between the first section and the [second section] vacuum chamber wall.

29. (New) The apparatus, as recited in claim 23, wherein the first section of the cover extends across the opening.

30. (New) The apparatus, as recited in claim 23, wherein the first section separates the critical element from the pocket.

31. (New) The apparatus, as recited in claim 1, wherein the first section of the cover extends across the opening.

32. (New) The apparatus, as recited in claim 1, wherein the first section of the cover separates the critical element from the pocket.

REMARKS

Claims 1, 9, 12, 22, 23, and 28 have been amended. Claims 13, 20-21, and 27 have been cancelled. Claims 29-32 have been added. Claim 1 has been amended to incorporate the limitations of claim 9. Claim 23 has been amended to incorporate the limitations of claim 28. Claims 1, 7-12, 18-19, 22-26, and 28-32 are pending.

The Examiner rejected claims 1, 7-13, and 18-28 under 35 U.S.C. 112, second paragraph, as being indefinite. Regarding claims 1 and 23, lines 12 and 13 respectively, the Examiner stated that the limitation "the critical element" has insufficient antecedent basis. Claims 1 and 23 have been amended accordingly.

The Examiner also stated that in claim 1, line 14, and claim 23, line 15, that the phrase "a critical element" renders the claim indefinite. Claims 1 and 23 have been amended accordingly.

The Examiner also stated that the limitation "the support between the second section and the first section" in line 15 of claim 1 has an insufficient antecedent basis and that it is unclear if the applicant is referring to an additional element or the point at which the second element is supported by the first element as previously claimed in lines 9-10 of the claim. Claim 1 has been amended accordingly.

The Examiner rejected claims 1, 7-13, and 18-28 under 35 U.S.C. 102(e), as being anticipated by Tanaka et al., U.S. Patent 6,422,172. Tanaka does not disclose a vacuum tight seal between the first section of the cover and the second section of the cover, as recited in claim 23, as amended. In the advisory action, the Examiner stated that such a limitation is inherently disclosed in the references, as shown in fig. 1, since the first section 5 and the second section 8 are in contact. Contact between the first section and second section 8 does not mean that there is a vacuum tight seal. For example, in Tanaka there is contact between the second section 5 and the electrode 2, but that does not create a vacuum tight seal. Instead, Fig. 3 of Tanaka is a top view of a stage 3 of the electrode, illustrating slots in the stage. Such slots allow gases to pass through, so that there is not a vacuum tight seal. Tanaka does not teach or disclose the need for a vacuum seal between the first section 5 and the second section 8. In addition, since the first section 5 is entirely within the chamber and gas can flow through the slots, there is no need for a vacuum seal between the first section 5 and the second section 8 or between the first section 5 and the chamber walls, since a vacuum tight seal between the second section 8 and the chamber walls 6 would be sufficient to maintain a vacuum. FIG. 2 of the present application shows seals 122 and 138 as establishing vacuum tight seals.

In addition, Tanaka does not recite that the critical element extends into the main cavity from the first section, as recited in claims 1 and 23. In the advisory action, Paper Number 11, the Examiner stated that it should be noted, from fig. 1, that the critical element 2 extends horizontally from the first section 5 into the main cavity, and therefore, as broadly claimed the

reference discloses such a limitation. The critical element of Tanaka is even with the first section, but does not extend into the main cavity from the first section, as shown in Figure 1 of Tanaka.

In addition, claims 1 and 23 have been amended to recite that at least part of the first section is between the critical element and the pocket. Tanaka does not place the first section between the critical element and the pocket. For at least these reasons, claims 1 and 23, as amended, are not anticipated by Tanaka.

Claims 7-12, 18-19, 22, 24-26 and 28-32 are ultimately dependent on claims 1 and 23, and are therefore respectfully submitted to be patentable over the art of record for at least the reasons set forth above with respect to claims 1 and 23. Additionally, these dependent claims require additional elements that when taken in the context of the claimed invention, further patentably distinguish the art of record. For example, claims 9, 12, and 28, as amended, recite a vacuum tight seal between the first section and the vacuum chamber wall. Since the first section 5 of Figure 1, of Tanaka, is entirely within the chamber there is not a need to have a vacuum tight seal between the first section and the chamber wall. In addition, claims 29-32, recite that the first section extends across the opening and that the first section separates the critical element from the pocket. The first section 5 in Figure 1 of Tanaka does not extend across the opening, but only around the opening, forming a large aperture which receives the electrode 2. In Tanaka the critical element is not separated from the pocket by the first section. Instead the critical element forms a side of the pocket. For at least these reasons, claims 7-12, 18-19, 22, 24-26 and 28-32, as amended, are not anticipated or made obvious by the cited references.

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a

//

//

//

//

//

telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (831) 655-2300.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


Michael Lee
Registration No. 31,846

P.O. Box 778
Berkeley, CA 94704-0778
(831) 655-2300